

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	MAIL STOP AMENDMENT
)	
Olivier Mathieu et al.)	Group Art Unit: 1782
)	
Application No.: 10/554,971)	Examiner: WALTER
)	AUGHENBAUGH
Filed: October 27, 2006)	
)	Confirmation No.: 2502
For: THEMOPLASTIC MATERIAL)	
COMPRISING NANOMETRIC)	
LAMELLAR COMPOUNDS)	
)	

RESPONSE TO RESTRICTION REQUIREMENT

As set forth in numbered section (1) of the Office Action dated May 26, 2010,
Applicants are required under 35 U.S.C. §121 and §372 to elect one of the following groups
for prosecution:

Group I. Claims 21-37, drawn to composition and method of making a
composition; and

Group II. Claims 38-39, drawn to an article.

Applicants respectfully traverse the Restriction Requirement as set forth by the
Examiner. Moreover, Applicants respectfully assert that Groups I and II should properly be
examined together. Further, Applicants submit that Groups I and II are closely related and
that a proper search of any of the claims should, by necessity, require a proper search of the
others. Thus, Applicants submit that all of the claims can be searched simultaneously, and
that a duplicative search, with possibly inconsistent results, may occur if the restriction
requirement is maintained.

Applicants submit that any nominal burden placed upon the Examiner to search
accordingly to determine the art relevant to all pending claims is significantly outweighed by

the public's interest in not having to obtain and study many separate patents in order to have available all of the issued patent claims covering all claims related to the present disclosure. The alternative is to proceed with the filing of numerous applications, each consisting of generally the same disclosure, and each being subjected to essentially the same search, perhaps by different Examiners on different occasions. This process would place an unnecessary burden on both the Patent and Trademark Office and on the Applicants.

Regardless of whether the two groups are independent or distinct, Applicants respectfully assert that the Examiner need not have restricted the application. M.P.E.P. § 803 requires that if "the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions". Therefore, it is not mandatory to make a restriction requirement in all situations where it would be deemed proper.

In the interest of economy, for the Office, for the public-at-large, and for Applicants, reconsideration and withdrawal of the Restriction Requirement are requested.

Nevertheless, Applicants hereby elect, with traverse, Group I, Claims 21-37, for prosecution on the merits.

CONCLUSION

This application is in condition for allowance, and an early notification to that effect is respectfully requested. If there are additional issues remaining in this application, the Examiner is respectfully requested to contact the undersigned so that any such issues can be resolved prior to issuance of another Office action.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: June 25, 2010

By:



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